

CHAPTER NO. 55

HOUSE BILL NO. 69

INTRODUCED BY LIEN

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Highways and Transportation.
January 6, 1979	On motion joint rule 6-6 suspended and sponsor's signature allowed to be added to Pre-Filed bill.
January 18, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 19, 1979	Printed and placed on members' desks.
January 22, 1979	Third Reading Consent Calendar passed. Transmitted to Second House.

IN THE SENATE

January 23, 1979	Introduced and referred to Committee on Highways and Transportation.
February 9, 1979	Committee recommend bill be concurred in as amended. Report adopted.
February 12, 1979	Second Reading concurred in.
February 14, 1979	Third Reading concurred in as amended.

IN THE HOUSE

February 15, 1979

Returned from Second House.
Concurred in as amended.

February 17, 1979

Second Reading, amendments
adopted.

February 19, 1979

Third Reading, amendments
adopted.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 69
2 INTRODUCED BY _____
3 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
6 69-12-321 AND 69-12-322, MCA, TO CLARIFY THE NOTICE
7 REQUIREMENTS FOR HEARINGS ON APPLICATIONS FOR MOTOR CARRIER
8 CERTIFICATES."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 69-12-321, MCA, is amended to read:
12 "69-12-321. Hearing on application for motor carrier
13 certificate. (1) Upon the filing of such application by a
14 Class A, Class B, or Class C motor carrier, except a Class
15 C motor carrier authorized to operate under the terms of a
16 contract with the United States government, or an agency or
17 department thereof, the commission shall fix a time and
18 place for hearing thereon, which shall not be less than 10
19 days or more than 60 days after the filing.
20 (2) Any motor carrier or ~~railroad company~~ referred to
21 in 69-12-322, the department of highways, the governing
22 board or boards of any such county, town, or city into or
23 through which the route or service as proposed may extend,
24 and any person or corporation concerned are hereby declared
25 to be interested parties to the proceedings and may offer

1 testimony for or against the granting of the certificate.
2 (3) The contracting parties referred to in
3 69-12-313(4) must appear and offer testimony in support of
4 the applicant.
5 (4) However, an application by a Class A, Class B, or
6 Class C motor carrier for a certificate may be disallowed
7 without a public hearing thereon when it appears from the
8 records of the commission that the route or territory sought
9 to be served by the applicant has previously been made the
10 basis of a public investigation and finding by the
11 commission that public convenience and necessity do not
12 require the proposed motor carrier service unless it is made
13 to affirmatively appear in the application by a recital of
14 the facts that conditions obtaining over the route or in the
15 territory and affecting transportation facilities therein
16 have materially changed since said public investigation and
17 finding and that public convenience and necessity do now
18 require the motor carrier operation."
19 Section 2. Section 69-12-322, MCA, is amended to read:
20 "69-12-322. Notice of hearing. (1) The whenever a
21 hearing is scheduled, whether as a result of a protest or
22 request or upon the commission's own motions, the commission
23 shall cause a copy of the petition and notice of hearing
24 thereon to be served upon an officer or owner of any motor
25 carrier that in the opinion of the commission might be

1 affected by the granting of any such certificate ~~upon any~~
2 ~~railroad company operating into or through any town or city~~
3 ~~located on the proposed route of the applicant and upon the~~
4 ~~department of highways and shall notify any other affected~~
5 ~~party~~ at least 10 days before the date of hearing.

6 (2) Notice of such hearing shall be published:

7 (a) in the legal advertising section of a local
8 newspaper or newspapers deemed by the commission to have a
9 circulation sufficient to reach the consuming public in the
10 area under consideration for applications for Class C
11 authority and geographically limited Class B authority; and

12 (b) in appropriate newspapers deemed by the commission
13 to have sufficient statewide circulation in the case of
14 applications for Class A authority and geographically broad
15 contemplated Class B authority."

-End-

Approved by Committee
on Highways & Transportation

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13 certificate. (1) Upon the filing of such application by a
14 Class A, Class B, or Class C motor carrier, except a Class
15 C motor carrier authorized to operate under the terms of a
16 contract with the United States government, or an agency or
17 department thereof, the commission shall fix a time and
18 place for hearing thereon, which shall not be less than 10
19 days or more than 60 days after the filing.
20 (2) Any motor carrier or ~~retired company~~ referred to
21 in 69-12-322, the department of highways, the governing
22 board or boards of any such county, town, or city into or
23 through which the route or service as proposed may extend,
24 and any person or corporation concerned are hereby declared
25 to be interested parties to the proceedings and may offer

1 testimony for or against the granting of the certificate.
2 (3) The contracting parties referred to in
3 69-12-313(4) must appear and offer testimony in support of
4 the applicant.
5 (4) However, an application by a Class A, Class B, or
6 Class C motor carrier for a certificate may be disallowed
7 without a public hearing thereon when it appears from the
8 records of the commission that the route or territory sought
9 to be served by the applicant has previously been made the
10 basis of a public investigation and finding by the
11 commission that public convenience and necessity do not
12 require the proposed motor carrier service unless it is made
13 to affirmatively appear in the application by a recital of
14 the facts that conditions obtaining over the route or in the
15 territory and affecting transportation facilities therein
16 have materially changed since said public investigation and
17 finding and that public convenience and necessity do now
18 require the motor carrier operation."
19 Section 2. Section 69-12-322, MCA, is amended to read:
20 "69-12-322. Notice of hearing. (1) The ~~whenever a~~
21 hearing is scheduled, whether as a result of a protest or
22 request or upon the commission's own motion, the commission
23 shall cause a copy of the petition and notice of hearing
24 thereon to be served upon an officer or owner of any motor
25 carrier that in the opinion of the commission might be

1 affected by the granting of any such certificate--upon--any
2 railroad--company--operating--into--or--through--any--town--or--city
3 located--on--the--proposed--route--of--the--applicant--and--upon--the
4 department--of--highways and shall notify any other affected
5 party at least 10 days before the date of hearing.

6 (2) Notice of such hearing shall be published:

7 (a) in the legal advertising section of a local
8 newspaper or newspapers deemed by the commission to have a
9 circulation sufficient to reach the consuming public in the
10 area under consideration for applications for Class C
11 authority and geographically limited Class B authority; and

12 (b) in appropriate newspapers deemed by the commission
13 to have sufficient statewide circulation in the case of
14 applications for Class A authority and geographically broad
15 contemplated Class B authority."

-End-

HOUSE BILL NO. 69

INTRODUCED BY LIEN

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 69-12-321 AND 69-12-322, MCA, TO CLARIFY THE NOTICE REQUIREMENTS FOR HEARINGS ON APPLICATIONS FOR MOTOR CARRIER CERTIFICATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-12-321, MCA, is amended to read:

"69-12-321. Hearing on application for motor carrier certificate. (1) Upon the filing of such application by a Class A, Class B, or Class C motor carrier, except a Class C motor carrier authorized to operate under the terms of a contract with the United States government, or an agency or department thereof, the commission shall ~~fix--a--time--and place--for--hearing--thereon--which--shall--not--be--less--than--10 days--or--more--than--60--days--after--the--filing~~ GIVE NOTICE THEREOF TO ANY INTERESTED PARTY.

(2) Any motor carrier ~~or--railroad--company~~ referred to in 69-12-322, the department of highways, the governing board or boards of any such county, town, or city into or through which the route or service as proposed may extend, and any person or corporation concerned are hereby declared

to be interested parties to the proceedings and may offer testimony for or against the granting of the certificate.

(3) The contracting parties referred to in 69-12-313(4) must appear and offer testimony in support of the applicant.

(4) However, an application by a Class A, Class B, or Class C motor carrier for a certificate may be disallowed without a public hearing thereon when it appears from the records of the commission that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the commission that public convenience and necessity do not require the proposed motor carrier service unless it is made to affirmatively appear in the application by a recital of the facts that conditions obtaining over the route or in the territory and affecting transportation facilities therein have materially changed since said public investigation and finding and that public convenience and necessity do now require the motor carrier operation."

Section 2. Section 69-12-322, MCA, is amended to read:

"69-12-322. Notice of hearing. (1) ~~The whenever a hearing is scheduled, whether as a result of a protest or request or upon the commission's own motion, the~~ commission shall cause a copy of the petition and notice of hearing thereon to be served upon an officer or owner of any motor

1 carrier that in the opinion of the commission might be
2 affected by the granting of any such certificate ~~upon any~~
3 ~~railroad company operating into or through any town or city~~
4 ~~located on the proposed route of the applicant and upon the~~
5 ~~department of highways and shall notify any other affected~~
6 party at least 10 days before the date of hearing.

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8 (a) in the legal advertising section of a local
9 newspaper or newspapers deemed by the commission to have a
10 circulation sufficient to reach the consuming public in the
11 area under consideration for applications for Class C
12 authority and geographically limited Class B authority; and

13 (b) in appropriate newspapers deemed by the commission
14 to have sufficient statewide circulation in the case of
15 applications for Class A authority and geographically broad
16 contemplated Class B authority."

-End-

January 18, 1979

The House Highways and Transportation Committee convened in Room 20 of the Capital Annex, on January 18, 1979, at 1:34 p.m. with Chairman Baeth presiding and all members present. Chairman Baeth opened the meeting to a hearing on House Bill 74.

HOUSE BILL 74 REPRESENTATIVE R. BUDD GOULD, the chief sponsor, said this was a good bill to sponsor as it was a very simple one. He said it was at the request of the Attorney General and he would now turn it over to the Highway Patrolman present.

BUD GARRICK, Montana Highway Patrol, said all this bill does is bring Montana law into line with federal standards and allows the smaller vehicle to meet the requirements on taillight distance. It changes the law for the minimum height requirement from 20 inches to 16 inches.

During questions from the committee, Rep. Wood asked Mr. Garrick if he could foresee any problems with lowering this distance and Mr. Garrick said no.

Chairman Baeth closed the hearing on HB 74 and opened it to HB 69.

HOUSE BILL 69 REPRESENTATIVE EDWARD LIEN, the chief sponsor, said this bill is at the request of the Public Service Commission and is basically a bill to eliminate unnecessary notification.

WAYNE BUDT, Public Service Commission, said this bill would remove the requirement of notifying railroad companies and the Department of Highways on every authority application. He said this would reduce costs and the railroad is not interested in cab companies, bus lines, etc. He said they would continue to notify the Highway Department on certain things like heavy hauling, coal and others as they request.

Chairman Baeth closed the hearing on HB 69 and opened it to HB 70.

HOUSE BILL 70 REPRESENTATIVE EDWARD LIEN, the chief sponsor, said this bill is also at the request of the Public Service Commission. He said this bill could eliminate a hearing and attendant costs if there are no protestors.

WAYNE BUDT, Public Service Commission, said this bill would allow the Public Service Commission just to grant a rate increase if all protests are withdrawn and the PSC determines the rates are justified. He said this would eliminate the cost and time of a hearing and save money and speed up the regulatory process.

Chairman Baeth closed the hearing on HB 70 and opened the meeting to HB 28.

HOUSE BILL 28 REPRESENTATIVE JOE F. KANDUCH, the chief sponsor, said this bill was at the request of the Department of Highways, and was to limit the application of standards for permitted outdoor advertising to certain types of signs. He said Montana law is not in compliance with federal laws and these amendments would result in such compliance. There is a 10% penalty for being in noncompliance.

BEATE GALDA, Department of Highways, spoke in support of the bill.

Questions were asked by the committee. James R. Beck of the Highway Department assisted in answering these questions.

Chairman Baeth closed the hearing on this bill and turned the chair over to the Vice-Chairman. Vice-Chairman Kanduch opened the hearing on HB 27.

HOUSE BILL 27 REPRESENTATIVE WILLIAM R. BAETH, the chief sponsor, called on James R. Beck of the Highway Department to introduce this bill.

JAMES R. BECK, Highway Department, said this bill is to clarify the laws relating to controlled access highways. He said the Highway Department would like to have the right to approve or disapprove approaches made onto these controlled access highways. He said when it comes to subdividing, each lot could demand an approach to the road and it then becomes an obvious safety problem.

Chairman Baeth resumed the chair and opened the meeting to an executive session.

EXECUTIVE SESSION

HOUSE BILL 27 Rep. Cooney moved do pass. The motion carried unanimously. Rep. Cooney moved that HB 27 be placed on the consent calendar. Rep. Keyser voted no so the motion failed.

HOUSE BILL 28 Rep. Tropila moved do pass and the motion carried unanimously. Rep. Tropila moved that HB 28 be placed on the consent calendar. The motion carried unanimously.

HOUSE BILL 69 Rep. Tropila moved do pass. Motion carried unanimously. Rep. Tropila moved that HB 69 be placed on the consent calendar. Motion carried unanimously.

HOUSE BILL 70 Rep. Uhde moved do pass. Motion carried unanimously. Rep. Uhde moved that it be placed on the consent calendar. Reps. Kropp and Keyser voted no so the motion failed.

Highways and Transportation

January 18, 1979

Page 3

HOUSE BILL 74 Rep. Kanduch voted do pass. Motion carried unanimously. Rep. Kanduch moved that HB 74 be placed on the consent calendar. Motion carried unanimously.

HOUSE BILL 66 Rep. Lien moved the Montana Motor Carrier's amendments which are attached to the minutes and exhibit 1. He said he liked the wording of the amendments as it doesn't give the PSC an open end and does set a date. He felt they were well thought out and complimented the author. Chairman Baeth called for a vote and the amendments were adopted unanimously with those present (Rep. Keyser had left). Rep. Kropp moved the bill as amended do pass. The motion carried unanimously with those present (Keyser absent).

HOUSE BILL 67 Rep. Cooney moved a suggested amendment on page 2, line 13, following "vehicles." to insert "The scope of the inspections is limited to the enforcement of the provisions of Title 69, chapter 12." He said this was a concern of Rep. Tropila's when the bill was heard that the PSC might get into some of the duties of the Highway Patrol. Chairman Baeth called for a vote and the motion passed unanimously. Rep. Tropila then suggested an amendment on page 2, line 5, to strike "making arrests" and to insert "issuing citations." Rep. Kanduch moved this amendment and it was adopted unanimously. Rep. Magone moved the bill as amended do pass. The motion passed unanimously (Rep. Keyser absent).

Meeting adjourned at 1:35 p.m.

Respectfully submitted,

William R. Baeth
WILLIAM R. BAETH, Chairman

Emelia Satre, Secretary

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 8, 1979

The Fourteenth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:00 p.m.

ROLL CALL: All members of the committee were present with the exception of Senator Hazelbaker.

CONSIDERATION OF SENATE BILL 113: Dave Cogley from the Legislative Council explained the three amendments to Senate Bill 113 to the committee members. He passed out information pertaining to the 1st amendment (Exhibit "A").

William Romine told the committee that DWI requires that a person be in the act of physical control. He said you can be picked up for DWI for just being in the car, with the keys in your pocket, sleeping, sitting, etc. It does not matter if you are not in control of the car.

Senator Kolstad said he questioned that.

Mr. Romine said it has happened in Montana and is on the books.

Dave Cogley told the committee a man was arrested in Kalispell and was charged with DWI and the courts dismissed the charge, because he was in his driveway. There is confusion and it does exist.

Chairman Etchart told the committee he thought Senator Hazelbaker's Amendment No. 2 is a substantive change and that it should not be included in the amendments to this bill.

Senator Hager made the motion to DO PASS Amendments 1 and 3. The motion carried unanimously.

Senator Graham moved to DO PASS AS AMENDED Senate Bill 113. The motion carried unanimously. Senator Graham will carry the bill with Senator Hager's help.

COMMITTEE BILL: Senator Hager made the motion that the Highway and Transportation Committee introduce a bill known as LC 1866/01 as a Committee Bill. It is an act to provide for the removal and disposal of abandoned motor vehicles on private property; amending sections 61-8-356 and 61-12-401, MCA.

The motion carried unanimously to DO PASS the committee bill.

CONSIDERATION OF HOUSE BILL 69: Ed Lien, Chief Sponsor of House Bill 69, told the committee this is an act to amend Sections 69-12-321 and 69-12-322, MCA, to clarify the notice requirements for hearings on applications for motor carrier certificates. This just reduces the noticing procedures and allows them not to notify people who are not connected with the hearing. He introduced Wayne Budt from the Public Service Commission.

Wayne Budt, Public Service Commission told the committee the bill will take away the requirement that says we have to notice railroads on something like a cab company's hearing. This will reduce the noticing cost.

Larry Huss from the Montana Motor Carriers Association said the bill does not accomplish everything that the Public Service Commission and the Motor Carriers Association thought it did. This bill also permit the Public Service Commission to go ahead and grant certificates. He asked the committee to consider the following amendments:

1. Page 1, lines 17 through 19.

Following: "shall" on Line 17

Strike: "Fix a time and place for hearing thereof, which shall not be less than 10 days or more than 60 days after the filing"

Insert: "give notice thereof to any interested party"

Mr. Huss read the bill as it would be amended to the committee. This would permit giving notice of the application so that other carriers would have the opportunity to protest. Notice of the time and date for hearing would be sent to all interested parties. Interested parties are defined in subsection 2.

Senator Kolstad asked Mr. Huss if this was agreeable with

PAGE 3

Mr. William Opitz.

Mr. Opitz, replied, Yes.

Senator Hager asked Mr. Huss what less than 10 days and more than 60 refers to.

Mr. Huss replied it is the time to set hearing.

Chairman Etchart asked if someone did protest, is there a provision in the law that the hearing would be granted.

Mr. Huss said, Yes, in Section 2.

Chairman Etchart asked if there were any further questions. There being none the hearing was closed.

CONSIDERATION OF HOUSE BILL 66: Representative Cooney, District 83, Butte, told the committee he was asked to carry House Bill 66 by the Department of Public Service Regulation. This is an act to amend section 69-12-323, MCA, to amend the time period within which the public service commission is required to make decisions on motor carrier certificate applications. He then read Section 1, line 12 through 19 to the committee. (Please refer to bill.) The Department needs to have this extra time to make the final decision, transcription, file briefs, etc. He introduced Wayne Budt from the PSC.

Wayne Budt, Public Service Commission told the committee if there are protests, it will be set for hearing. Final decisions come from the commission within 180 days. There are some, such as statewide application for building materials that can take more time to get done. We need to expand that deadline, so that people who need extra time, due to illness, etc. can have more time.

Chairman Etchart asked if there were any other proponents.

Larry Huss, Montana Motor Carriers told the committee they support this bill with the amendments that are included by the PSC.

Chairman Etchart asked if there were any opponents. There were none. He asked the committee if they had any questions.

Senator Kolstad asked if the time limit only applied if the applicant asked for it.

Representative Cooney, said yes, 180 days plus applicant's request.

Senator Kolstad asked him if the applicant request more time, then it is an open end thing.

Representative Cooney said he would have to state a date for the dealine.

There being no further questions, the hearing was closed.

ACTION ON HOUSE BILL 66:

Senator Kolstad made the motion that House Bill 66 be concurred in.

The motion carried unanimously. Senator Kolstad will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL 69:

Senator Hager made the motion to adopt the amendments to House Bill 69. The motion carried unanimously.

Senator Hager made the motion that House Bill 69 be concurred in as amended. The motion carried unanimously.

Senator Hager will carry the bill on the floor of the Senate.

CONSIDERATION OF SENATE BILL 304: Chairman Etchart reported he had some problems with this bill, but in checking it out he did not think it would hurt any of the key pump operations in his area. He called Glasgow and found out that the people paid for gas tax when the gas was delivered off the gas trucks and put into the holding tanks. They then pass the tax onto the customers when they buy gas. These people have both retail and wholesale licenses. I see no problem with this bill.

ACTION ON SENATE BILL 304: Senator Graham made the motion to DO PASS Senate Bill 304. The motion carried unanimously. Senator Etchart will carry the bill on the floor of the Senate.

CONSIDERATION AND ACTION ON SENATE JOINT RESOLUTION 7: Chairman Etchart asked the secretary to hold SJR 7 for awhile, until a decision could be made about handling it. The new Senate Resolution draft was passed out to the committee members.

Senator Hager made the motion to introduce this as a Senate Resolution by the Highway Committee. The motion carried unanimously. Senator McCallum will carry this bill. Senator Etchart will introduce the bill on the floor of the Senate.

OTHER BUSINESS: There being no other business the meeting adjourned at 1:45 p.m. There will be no meeting on Saturday.

Mark Etchart

SENATOR MARK ETCHART, CHAIRMAN

2-8-79

ROLL CALL

Highways COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker			
Allen C. Kolstad	✓		
Carroll A. Graham	✓		
Dave Manning	✓ late		
John E. Healy (Jack)	late		

Each Day Attach to Minutes.

Highways

BILL HB 69-66

VISITORS' REGISTER

DATE 2-8-79

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: LARRY HASS DATE: 2/8/77

ADDRESS: 107 7th

PHONE: 442-8870

REPRESENTING WHOM? Mont Motor Cars

APPEARING ON WHICH PROPOSAL: 413 66

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William J. Opitz DATE: 2/8/79

ADDRESS: 2 Wood Ct. Helena, Mont.

PHONE: 449-3007

REPRESENTING WHOM? MPSC

APPEARING ON WHICH PROPOSAL: HB-69

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: The Commission supports the
proposed amendment to HB-69 presented
by Larry Hass of the Motor Carrier Assoc.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William J. Opitz DATE: 2/8/79

ADDRESS: 2 Wood Ct Helena, Mont

PHONE: 449-3007

REPRESENTING WHOM? HPSC

APPEARING ON WHICH PROPOSAL: HB-66

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: The bill would allow an
applicant to request an additional time
for the Commission to render a decision
beyond 180 days. @ The sickness may be
an example of the need.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Wayne Budd DATE: 2/8/79

ADDRESS: 1227 11th Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Comm

APPEARING ON WHICH PROPOSAL: H B 66

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Time for transcript
Time to file briefs by all parties

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Wayne W. Budd DATE: 2/8/79

ADDRESS: 1227 11th Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Comm

APPEARING ON WHICH PROPOSAL: HB 69

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Reduce Noticing Costs
Railroad not interested in Cab/bus lines etc
Will Notice Dept of Highways on any
that are requested

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

February 8, 1979

Shaun Simon
Legislative Council
Capitol Building
Helena, MT 59601

Dear Shaun:

Enclosed is a draft of a Senate Resolution.

The Senate Committee of Highways and Transportation voted unanimously on February 8, 1979 to have this Resolution made into bill form and introduced on behalf of the Senate Committee on Highways and Transportation.

Sincerely,

SENATOR MARK ETCHART
Montana State Senate

Enclosure

cf

SENATE RESOLUTION NO. _____

INTRODUCED BY _____

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA DIRECTING THE DEPARTMENT OF HIGHWAYS TO CONDUCT AN INTERIM STUDY TO INVESTIGATE THE LACK OF CONSISTENCY IN WORK QUALITY AMONG THE SEVERAL HIGHWAY MAINTENANCE SECTIONS OF THE STATE DEPARTMENT OF HIGHWAYS.

WHEREAS, good highways must be well maintained to be safe for the motoring public; and

WHEREAS, routine highway maintenance functions are performed and supervised in small organizational units known as sections; and

WHEREAS, there is evidence that there is a wide variance in the quality of routine maintenance work among the several sections; and

WHEREAS, there is evidence that there is a wide variance in the quality of routine maintenance work among the several sections; and

WHEREAS, this condition indicates possible lax management or other serious management problems that require correction if public safety is to be served.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Department of Highways conduct an interim study to investigate the management problems of the Maintenance Division of the Department of Highways and report its findings and recommendations to the regular session of the 47th Legislature.

-END-

SENATE COMMITTEE Highways & TransportationDate 2-8 Senate Bill No. 11.3 Time _____

NAME	YES	NO
Mark Etchart, Chairman	/	
Tom V. Hager, Chairman	/	
Frank W. Hazelbaker		
Allen C. Kolstad	/	
Carroll A. Graham	/	
Dave Manning		
John E. Healy	/	

Carl Traver
SecretaryMark Etchart
ChairmanMotion: Do Pass as amended - See attached
(Second Reading Bill)

(include enough information on motion--put with yellow copy of committee report.)

AMENDMENTS TO SENATE BILL 113, SECOND READING:

1. Page 18, line 2.

Following: "capacity"

Insert: "or G.V.W. if imprinted on license plate"

2. Page 69, line 14.

Following: "vehicles"

Strike: "upon the highways of"

Insert: "within"

3. Page 93, lines 5-22.

Strike: Section 93 in its entirety

Renumber: all subsequent section

SECOND READING BILL BE AMENDED AS FOLLOWS:

Bill 3 Extra
A

Section 9. **Act Controlling.** Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

Act controlling.

Section 10. **Repeal.** All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 11. **Effective Date.** This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 9, 1957.

CHAPTER 194

An Act to Amend Section 39 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Persons Operating Motor Vehicles While Under the Influence of Intoxicating Liquor or of Drugs; Providing for the Use of Chemical Analysis to Measure the Degree of Intoxication of Drivers; Increasing Minimum Fine for First Offense, Making Imprisonment Mandatory for Second or Third Offenses, of Driving Under the Influence of Intoxicating Liquor or of Drugs; Providing That Revocation of License Will Commence Upon Date of Conviction; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing for Effective Date of Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 39 of chapter 263 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 39. **Persons Under the Influence of Intoxicating Liquor or of Drugs.**

Driving or control under influence forbidden.

"(a) It is unlawful and punishable as provided in paragraph (d) of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any motor vehicle upon the highways of this state.

NAME: LARRY HUSS DATE: 2/8/79

ADDRESS: 107 7th

PHONE: 442-2179

REPRESENTING WHOM? Hart Moore Cinema

APPEARING ON WHICH PROPOSAL: SB 69

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: Amend Section 1, Page 1, Line 17
Following: "shall"
Strike: "for a time and place for hearing thereon"
Insert: "GIVE NOTICE THEREOF TO ANY INTERESTED
PARTY:" Strike the remaining language of subsection
Line 18: Following: "which"
Insert: "notice"
Following: "~~which~~" "shall not be"
Strike: "less than 10 days or more
than 60 days after the filing"

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE COMMITTEE Highways & Transportation

Date 2-8-79 House Bill No. 69 Time _____

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker		
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carl Koser
Secretary

Chairman

Motion: Do PASS AS Amended:
See Book See Attached

(include enough information on motion--put with yellow copy of committee report.)

Amendment to House Bill No. 69

1. Page 1, lines 17 through 19..

Following: "shall" on line 17

Strike: "Fix a time and place for hearing thereon, which shall not be less than 10 days or more than 60 days after the filing."

Insert: "give notice thereof to any interested party"

SENATE COMMITTEE Highways & Transportation

Date 2-8-79 House Bill No. 696 Time _____

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker		
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning		
John E. Healy	✓	

Carol Fraser
Secretary

Mark Etchart
Chairman

Motion: Do Pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 2-8-79 Senate Bill No. 304 Time _____

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker		
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning		
John E. Healy	✓	

Carol Francis
Secretary

Mark Etchart
Chairman

Motion: Do Pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 8 19 79

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **House** Bill No. **69**

Respectfully report as follows: That **HOUSE** Bill No. **69**

introduced bill no. 69 be amended as follows:

1. Page 1, lines 17 through 19.

Following: "shall" on line 17

Strike: "Fix a time and place for hearing thereof, which shall not be less than 10 days or more than 60 days after the filing"

Insert: "give notice thereof to any interested party"

And, as so amended,

DO PASS

STANDING COMMITTEE REPORT

.....February 8..... 19 79.....

MR. President:.....

We, your committee on.....Highways and Transportation.....

having had under considerationHouse..... Bill No. 66.....

Respectfully report as follows: That.....House..... Bill No. 66.....

DO PASS

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STANDING COMMITTEE REPORT

February 8 19 79

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **Senate** Bill No. **304**

Respectfully report as follows: That **Senate** Bill No. **304**

DO PASS

STANDING COMMITTEE REPORT

February 8, 19 79

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **Senate** Bill No. **113**

Respectfully report as follows: That **Senate** Bill No. **113**

second reading bill be amended as follows:

1. Page 18, line 2.

Following: "capacity"

Insert: "or G.V.W. if imprinted on license plate"

2. Page 93, Lines 3-22.

Following: "93."

Strike: Remainder of line 3 thru line 22 in their entirety

Renumber: All subsequent section

And, as so amended

DO PASS